

SECTION: CERTIFICATION

SUBJECT: Ineligibility

ITEM: *Criteria for Determination of Ineligibility*



Policy

A local agency shall determine a person ineligible for the WIC program if at the initial certification appointment the applicant does not meet one or more eligibility criteria described below. An applicant shall be advised in writing at the time of ineligibility determination of the reasons for ineligibility and of the right to a fair hearing.

Local agency staff shall issue a Notice of Action Affecting WIC Program Applicants (DHS 4134) when it has been determined that an applicant is ineligible. The Notice of Action Affecting Program Applicants serves as both the written notice of ineligibility and the notice of the right to a fair hearing.

For applicants determined ineligible at an initial certification appointment, the effective date of the action is the date of the ineligibility determination, (i.e., same date as the appointment). A determination of ineligibility does not require 15 calendar days advance notice to the participant, nor is it necessary to obtain prior verbal approval from the WIC Branch.

Note: A person screened over the telephone for potential WIC eligibility is not considered to have made an application because eligibility cannot be determined over the telephone. An applicant must be present at an initial certification appointment and required documentation must be presented in order to determine eligibility. Therefore written notice of ineligibility is not required when a person is advised over the telephone that she or members of her family would probably not be eligible for the WIC program if they were to apply, e.g., over income.

**Authority
for policy**

7 CFR 246.7 (c)(1), (d)(2), (e), (f)(1), (h)(3), (j)(5), (l)(2), and (p)
Title 22 CCR 40611
Title 22 CCR 40671
Title 22 CCR 40673
Title 22 CCR 40675(a)(1)
Title 22 CCR 40681 (e)

Criteria for Ineligibility Determination The table below describes criteria for determining the ineligibility of applicants at an initial certification appointment.

Criterion:	Description:
Category	<p>Not in a category served by WIC, such as:</p> <ul style="list-style-type: none"> • Child who is 5 years of age or older, • Nonbreastfeeding woman whose baby is 6 months of age, or greater. • Breastfeeding woman whose baby has attained one year of age. <p>See WPM 210-10.</p>
Exceeds income	<p>The applicant's family income exceeds the maximum income allowable for program eligibility.</p> <p>See WPM 210-40.2.</p>
Residence	<p>The applicant does not live in California.</p> <p>See WPM 210-30.</p>
Nutritional Need	<p>The applicant does not have an indicator of nutritional need/risk.</p> <p>See WPM 210-50 and 60 et. al.</p>
Presence	<p>The applicant is not present at the certification appointment and does not meet an exception stated in WPM 210-15.</p> <p>Either: 1) Do not certify, but reschedule the appointment. OR, 2) Proceed with ineligibility determination.</p>

Eligibility documenta- tion incomplete	<p>Eligibility determination cannot be completed because the applicant fails to provide:</p> <ul style="list-style-type: none">• Income documentation within 30 days, or later provides the documentation and is found to be over income (See WPM 210-40.2 p. 8 of 9 for special instructions),• Proof of identity and does not meet an exception stated in WPM 270-20,• Proof of address and does not meet an exception stated in WPM 210-30, <p>Either: 1) Do not certify, but reschedule the appointment. OR, 2) Proceed with ineligibility determination.</p>
Lower priority	<p>The applicant is not in a priority currently served by the WIC Program due to a program funding shortage.</p> <p>See WPM 230-10.</p> <p>If the WIC Branch experiences a funding shortage, it may be necessary to deny program benefits to a number of applicants whose nutritional and health status would be least impaired by withdrawal or denial of program benefits.</p> <p>The following guidelines apply:</p> <ul style="list-style-type: none">• Ineligibility due to a funding shortage should be a last resort following complete exploration of alternative actions, and should be calculated to affect the least number of participants using the WIC priority ranking system.• Such persons shall be placed on a waiting list by the local agency. <p>See WPM 230-20.</p> <p>Note: Program benefits will resume once the State WIC Branch notifies the local agency that more priorities may be served due to improvement in the funding picture.</p>

Procedure	Waiting list	The local agency is already serving 100% of its allocated caseload and is placing applicants on a waiting list, due to caseload restrictions. See WPM 230-20.	
	If...		Then...
	An applicant does not meet the WIC Program eligibility requirements (initial certification appointment)		<ul style="list-style-type: none">• Complete and issue DHS 4134.• Use the ineligibility function in ISIS.• Food instruments cannot be issued since applicant is not certified.

Use of ISIS The local agency shall use the Ineligibility function in ISIS when making a determination of ineligibility at the initial certification appointment.
